

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY,

Plaintiff,

No. 16-12481

v.

District Judge Mark A. Goldsmith  
Magistrate Judge R. Steven Whalen

CHRISTOPHER NOVOSAD, ET AL.,

Defendants.

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**ORDER**

Defendant Christopher Novosad, who is appearing *pro se* in this matter, has moved for the appointment of counsel [Doc. #59].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil parties until after motions to dismiss or motions for summary judgment have been decided. I have filed a Report and Recommendation, recommending that Plaintiff Allstate Fire and Casualty Insurance Company's motion for summary judgment be granted, and that Defendant's motion for summary judgment be denied. Defendant's request is premature at this time. If the Court ultimately denies Plaintiff's summary judgment motion, Defendant may renew his request for counsel at that time.

Defendant's motion for appointment of counsel [Doc. #59] is therefore DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: July 26, 2018

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

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### **CERTIFICATE OF SERVICE**

I hereby certify on July 26, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on July 26, 2018.

s/Carolyn M. Ciesla  
Case Manager for the  
Honorable R. Steven Whalen